

KMH:kmb 10/18/04 3790-62404-01

PATENT

Attorney Reference No. 3790-62404-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kar Wai C. Tao, Ping Yu, and
Richard L. Roberts

Application No. 10/080,975

Filed: February 21, 2002

Confirmation No. 9952

For: HIGH MOLECULAR WEIGHT,
LIPOPHILIC, ORALLY INGESTIBLE
BIOACTIVE AGENTS IN
FORMULATIONS HAVING IMPROVED
BIOAVAILABILITY

Examiner: Michele C. Flood

Art Unit: 1654

Attorney Reference No. 3790-62404-01

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)

Kevin M. Hayes

Date Mailed October 18, 2004

**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the Office action mailed June 3, 2004, finally rejecting claims 1-8, 14, 16-18, 22, 23, 32, 34 and 35.

The fee of \$340.00 per 37 C.F.R. § 1.17 (b) for filing this Notice of Appeal is enclosed.

Applicants also include a one-month extension fee in the amount of \$110.00. This Notice of Appeal is being filed within one month of the September 16, 2004, mailing date of the Examiner's Advisory action (mailed after expiration of the three-month shortened statutory period) in reply to Applicant's Response filed August 3, 2004, which was filed within 2 months of the Final Office action. Under MPEP § 710.02, the extension of time required under these circumstances is calculated from the mailing date of the Advisory action.

10/22/2004 MAHMED1 00000004 10080975

01 FC:1401

340.00 OP

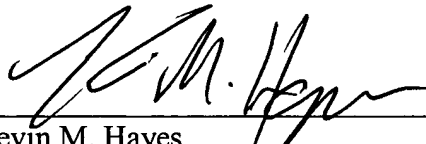
If further extension of time is required for filing this Notice of Appeal, please consider this a petition therefor.

Please charge any additional fees that may be required in connection with filing this Notice of Appeal and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this Notice of Appeal is enclosed.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By



Kevin M. Hayes
Registration No. 54,158

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446



KMH:elb 10/18/04 3790-62404-01 319255.doc

PATENT
Attorney Reference Number 3790-62404-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kar Wai C. Tao, Ping Yu, and
Richard L. Roberts

Application No. 10/080,975

Filed: February 21, 2002

Confirmation No. 9952

For: HIGH MOLECULAR WEIGHT,
LIPOPHILIC, ORALLY INGESTIBLE
BIOACTIVE AGENTS IN
FORMULATIONS HAVING IMPROVED
BIOAVAILABILITY

Examiner: Michele C. Flood

Art Unit: 1654

Attorney Reference No. 3790-62404-01

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)


Kevin M. Hayes

Date Mailed October 18, 2004

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Notice of Appeal (in duplicate)
 - ☒ Appeal Fee of \$340.00
 - ☒ One-month Extension Fee of \$110.00
- ☒ A check in the amount of \$450.00 to cover the above-listed fees
- ☒ Applicants petition for an extension of time for one month(s). If an additional extension of time is required please consider this a petition therefor.
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.

10/22/2004 MAHME1 00000004 10080975

02 FC:1251

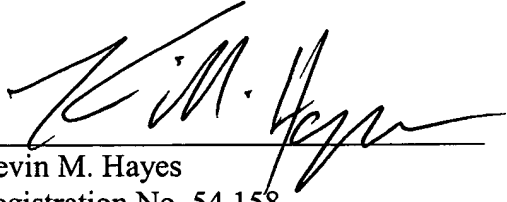
110.00 0P

☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Kevin M. Hayes
Registration No. 54,158

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Client
Docketing